

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit: 3738

Examiner: Javier G. Blanco

Serial No.: 09/811,360

Filed: March 16, 2001

In re Application of: Eugene M. Wolf

For: FACILE TOTAL SHOULDER ARTHROPLASTY APPARATUS AND METHOD

PATENT
Docket No.: BWLF-1239

#12

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GROUP 37Certificate of Facsimile

I hereby certify that this correspondence is being faxed to Technology Center 3700 of the United States Patent and Trademark Office, facsimile no. 1 703 872-9302 and addressed to Director of Patents, Washington, D.C. 20231 on 10-9-02 Signed Gerry Ubau

Gerry Ubau

ELECTION

Total Number of Pages: 2

Director of Patents
Washington, D.C. 20231

Dear Sir,

In reply to the Office Action mailed September 18, 2001, Applicant respectfully elects the Species labeled "Fins," at page 2 of the Office Action. Applicant submits that each of independent Claims 1, 8, 16, 23-25, 31, 42-43 and 50 is readable on this species, as well as the species labeled "Humeral Head." In this sense, these Claims are generic and to the extent that the Examiner's position is that no claims are currently generic, the restriction requirement is traversed, and Applicant's election of the Species "Fins" is provisional. Moreover, Applicant further provisionally elects the sub-species of Figures 2A-5E, wherein the multiple fins may be planar and/or linear. As understood, each of Claims 15, 22 and 39 is particularly readable on the species labeled "Cur Humeral Surface," although each of these Claims will remain pending, and not examined, as being ultimately dependent from Claims 1 or 8, 16 and 25 or 31, respectively.

In addition, please cancel Claims 44-49 as being drawn to the non-elected species labeled "Guide." Therefore, each of Claims 1, 3-25, 27-43 and 50 remain pending.

In the event any fee is required for filing the above-noted document, including any fees required under 37 CFR 1.136 for any necessary Extension of Time to make the filing of attached document timely, the Assistant Commissioner is hereby authorized to charge the fee to our Deposit Account No.: 50-0612. A duplicate copy of this page is enclosed.

Respectfully submitted,
Sierra Patent Group, Ltd.

Dated: 10-9-02

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